

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
JUNE 2, 2008  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
COUNCIL MEMBER PETER L. CLOUGH  
COUNCILMEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ALSO PRESENT:**   **CITY MANAGER MARY M. CORRIVEAU  
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Commissioner of Deeds
- 2 - Approving Amendment No. 65 to the Management and Management Confidential Pay Plan
- 3 - Approving Employee Assistance Program Service Agreement, Northern Employee Assistance Services
- 4 - Authorizing an Application to the New York State Department of Environmental Conservation for Funding Through the 2007-2008 Urban and Community Forestry Program
- 5 - Authorizing and Endorsing the Thompson Park Conservancy's Application to the New York State Department of Environmental Conservation for Funding Through the Urban and Community Forestry Program for The Otter Exhibit Tree and Shrub Planting Project
- 6 - Approving Change Order No. 4 to the Contract for Reconstruction of Public Square, Villager Construction
- 7 - Approving CDBG Subgrant Agreement with Watertown Local Development Corporation
- 8 - Supporting the Route 3 Trail Connection Project
- 9 - Supporting the Thompson Park Trail Project
- 10 - Authorizing Submission of an Application for Grant Funding Through the NYSOPRHO, Thompson Park Trail
- 11 - Authorizing an Application to the Local Waterfront Revitalization Program – Marble Street Park Trail
- 12 - Finding that the Approval of the Zone Change Application of Lawrence Drake, to Change the Approved Zoning Classification for Portions of Property Located at 513-519 Water Street, Parcels No. 4-14-114.001, 4-14-114, 4-14-113 and 4-14-112, From Heavy Industry to Neighborhood Business Will Not Have a Significant Impact on the Environment
- 13 - Authorizing the Issuance of \$750,000 Bonds of the City Of Watertown, Jefferson County, New York to Pay Additional Costs of the Downtown Watertown Streetscape Enhancement Project, In and For Said City
- 14 - 7:30 p.m. - Ordinance Approving the Zone Change Request Submitted by

Lawrence Drake, to change the Approved Zoning Classification for Portions Of Property Located at 513-519 Water Street, Parcels No. 4-14-114.001, 4-14-114, 4-14-113 and 4-14-112 From Heavy Industry to Neighborhood Business

- 15 - 7:30 p.m. – Resolution Approving the Special Use Permit Request Submitted by Ryan Churchill, GYMO, P.C., on Behalf of Norstar Development USA, L.P. to Allow 200 Multi-Family Residential Units Within a Neighborhood Business Zoning District, Located on the East Side of Mill Street, North of Haven Street, West of Plaza Drive and South of Seaway Plaza, Parcels No. 3-14-105 and 3-14-101, Known as Creekwood Apartment
- 16- Tabled Ordinance – Amending City Municipal Code §293-61, Schedule XIII, Parking Prohibited at All Times, North Indiana Avenue
- 17- Greater Watertown Jaycees Tour, Use of Transit Vehicle
- 18 - Relay for Life Signage

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of May 19, 2008 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

### **COMMUNICATIONS**

Minutes of the library's board meeting were received.

### **ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**Bart Bonner**, Town of Watertown, addressed the chair concerning the problems Mr. Farone is having with his driveways as a result of the work being done on Public Square. He explained that the City has cut off one of the driveways. He also commented that he was shocked that the City would do this to a downtown merchant. He stated that he hoped the City would consider the action. He also questioned why this would be done with no consultation with Mr. Farone.

**Wayne Zimmer**, Katherine Street, addressed the chair asking if the Thompson Park pool was being shut down.

Mayor Graham responded that it is not in the immediate plans. However, there have been discussion for long term plans to eventually put in a spray pool there.

**Michael McCarthy**, Francis Street, addressed the chair asking if the Citibus was going to expand their hours to 10 p.m. He also commented that he was glad to hear that the bathrooms in

Thompson Park would be improved. He asked why the “rainy day fund” couldn’t be used to help lower the tax rate. He also suggested creating more fishing access.

**S.G. Gates**, Dorsey Street, addressed the chair about a rumor that a memo went out on dog park locations.

Mayor Graham remarked that there was no memo. However, there was to be a report on the proposed sites.

Mr. Gates stated that there would be a fund raiser dog walk on June 28<sup>th</sup>.

**Carl Farone**, owner of Mr. Sub, addressed the chair referring to his problems with the driveway to his property and asked what Council was going to do about it.

Mayor Graham explained that the whole pedestrian situation has been redone with the Public Square project. He remarked that people were use to driving across the sidewalk before at that business. However, now with the way that the pedestrian walkway has been designed, it was viewed as a safety issue. He stated that Villager tried to accommodate Mr. Farone. However, when it reached the 3<sup>rd</sup> floor in City Hall, Mr. Hauk instructed them to put it back as the original design. Mayor Graham explained that Mr. Hauk has talked with Clough Harbour and has not had a response back yet.

Mr. Farone explained that the design has to be changed as the tractor trailers can not get around the corner.

Mrs. Corriveau explained that some of that problem is because they are currently working on the island. She also explained that the entrance that was closed was going onto Public Square. The one on Mill Street is still open.

Mr. Farone commented that he had an exit on to J.B. Wise lot and that was taken away when City Center Drive was put in.

Mrs. Corriveau explained that the entrance off Public Square wasn’t in the original design that has been presented at all of the public meetings on the project.

Council Member Smith suggested making the exit onto Public Square narrower with signage for exit only.

Mrs. Corriveau advised that the crosswalk will not be in the same location that it now is. If this driveway was put in, people would be using it to enter as well. She questioned how we would safely put in a driveway when there is a pedestrian walkway right near it.

Mayor Graham commented that even though there were hours of discussion, it is not until the project plays out that people realize what the changes are.

Council Member Clough asked about the direction of travel and the signalization in the design.

Council Member Burns commented that Mrs. Corriveau has convinced her that staff is working with Clough Harbour to address Mr. Farone's concerns and if the Public Square drive isn't feasible, perhaps there could be an exit onto J.B. Wise lot.

Mrs. Corriveau remarked that if Clough Harbour says the drive onto Public Square looks good, the next step is to contact NYS DOT. Mrs. Corriveau advised Mr. Farone that if he had any additional questions, she would be glad to speak with him.

### **PUBLIC HEARINGS**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE ZONE CHANGE REQUEST TO CHANGE THE ZONING CLASSIFICATION FOR PORTIONS OF PROPERTY LOCATED AT 513-519 WATER STREET, PARCELS NO. 4-14-114.001, 4-14-114, 4-14-113 AND 4-14-112 FROM HEAVY INDUSTRY TO NEIGHBORHOOD BUSINESS.**

**MAYOR GRAHAM OPENED THE PUBLIC HEARING.**

No one spoke.

**MAYOR GRAHAM CLOSED THE PUBLIC HEARING.**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST SUBMITTED ON BEHALF OF NORSTAR DEVELOPMENT USA, L.P. TO ALLOW 200 MULTI-FAMILY RESIDENTIAL UNITS WITHIN A NEIGHBORHOOD BUSINESS ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MILL STREET, NORTH OF HAVEN STREET, WEST OF PLAZA DRIVE AND SOUTH OF SEAWAY PLAZA, PARCELS NO. 3-14-105 AND 3-14-101, KNOWN AS CREEKWOOD APARTMENTS.**

**MAYOR GRAHAM OPENED THE PUBLIC HEARING**

**Linda Goodman**, Norstar, addressed the chair showing the proposed design and advising Council that the hope to start building 100 units by this fall.

**MAYOR GRAHAM CLOSED THE PUBLIC HEARING AT 7:33P.M.**

### **RESOLUTIONS**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term expiring December 31, 2008:

Gregory P. Gibbs

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 65 to the Management and Management Confidential Pay Plan, effective June 9, 2008, as follows:

Position	Salary
Civil Engineer I - Cohen	\$48,000

Upon obtaining Fundamentals of Engineering designation administered by the State of New York and completion of two years of service, will move to the existing Civil Engineer I salary.

Upon obtaining Professional Engineer's License from the State of New York, salary will increase by \$3,000.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS by resolution adopted February 8, 1988, the City Council approved an Employee Assistance Program Service Agreement, and

WHEREAS the City wishes to continue to provide such a program for its employees, and

WHEREAS the City of Watertown wishes to renew the Service Agreement with Northern Employee Assistance Services for a six month term, and

WHEREAS the City will continue to review the services and programs available, in order to further identify avenues to enhance the employee assistance services provided to our employees and their families,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employee Assistance Program Service Agreement between the City of Watertown and the Northern Employee Assistance Services, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH**

Referring to the foregoing resolution, Council Member Butler asked about the costs per employee whether or not the service is utilized.

Mrs. Corriveau answered questions concerning the program and explained that the City doesn't get reports on the usage per hour. She explained that Northern Employee Assistance Services contracts with the City to provide a service. They hire staff so that they can meet the demands of the contract. She explained that numbers can be tracked, but not hours.

Council Member Clough remarked that the whole point of this program is privacy.

Council Member Burns responded that she doesn't want to invade anyone's privacy. However, she was curious if the program is being utilized.

Council Member Butler remarked that it is a great program. However, he would just like to get a handle on the costs.

Mrs. Corriveau explained that this is a 6 month contract.

Council concurred that they would like information on the amount of usage before approving the resolution.

**MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TABLE THE FOREGOING RESOLUTION.**

**MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the New York State Department of Environmental Conservation (NYSDEC) has announced that funding is available through the Urban and Community Forestry Grant Program for tree planting projects, and

WHEREAS the City of Watertown has made tree planting and the care and management of the City's urban forest a priority in the wake of several devastating storms in the 1990's, and

WHEREAS the City Council desires to apply to the NYSDEC's Urban and Community Forestry Grant Program to fund a tree planting project along Breen Avenue, the 100-300 Blocks of Academy Street and Clay Street, and

WHEREAS Tree Watertown, the City's Street Tree Advisory Board, recommends that the City Council apply to the State for financial assistance to continue the City's reforestation efforts, and

WHEREAS this program requires an approval and endorsement of the application from the City Council of the City of Watertown,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves and endorses the City's application to the New York State Department of Environmental Conservation for grant funding under the Urban and Community Forestry Program, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$12,000, and upon approval of said request, to enter into and execute a Project Agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Watertown for the 2009 Community Reforestation Project.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Smith asked if the City could apply for more than the \$12,000.

Mr. Lumbis explained that the maximum is \$20,000 or \$25,000.

Council Member Smith asked if the City is meeting the needs of the community and if we could plant more trees.

Mr. Lumbis explained that the City could apply for more. However, this is a matching funds grant and the application needs to go in this week. He explained that the tree work would be done in conjunction with the construction being completed.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the Thompson Park Conservancy is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program to be located within the NYS Zoo at Thompson Park, a site located within the territorial jurisdiction of the City Council of the City of Watertown, and

WHEREAS, as a requirement of these programs, the Thompson Park Conservancy, a Not-For-Profit Corporation must obtain the approval and endorsement of the governing body of the municipality in which the project will be located,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby approves and endorses the application of the Thompson Park Conservancy for a grant under the 2007-2008 Urban and Community Forestry Program for a project known as the Otter Exhibit Tree and Shrub Planting Project and located within this community.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS on April 3, 2006, the City Council of the City of Watertown approved a bid submitted by Villager Construction Co., Inc., 425 Old Macedon Center Road, Fairport, New York 14450, in the amount of \$4,746,320.50 for the reconstruction of Public Square, and

WHEREAS in connection with that project, City Engineer Kurt Hauk has submitted the attached Change Order No. 4 for consideration by the City Council, and

WHEREAS the total cost associated with this Change Order is \$536,004.11,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 4 to the contract with Villager Construction Co., Inc., associated with the reconstruction of Public Square, copies of which are attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that approval of this Change Order is contingent on City Council approval of a Bond Ordinance to fund the cost of the work being performed, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Mrs. Corriveau explained that this change order includes the addition of the water line and changes that Mr. Hauk reviewed with Council on March 17<sup>th</sup>. She explained that there were additional costs associated with traffic signals, putting in a new water line and granite/concrete curbing as well as the fact that some costs have increased over the past two years. However, there is also a \$109, 000 savings.

Council Member Smith asked if we had gotten any farther with evening work.



Mrs. Corriveau advised that she had discussions with Mark Simmons. They will try to do box out during the day and if unable to achieve this, they will move to another schedule. However, Mr. Hauk is hesitant to move to evening hours because of the additional costs that will be incurred.

Council Member Smith remarked that he had already said that he would support a change order for those additional costs of working in the evenings.

Mrs. Corriveau commented that this is very different than Arsenal Street as people live downtown.

Council Member Butler remarked that Council is talking about 8 or 9 p.m., not midnight.

Mrs. Corriveau advised that Mr. Hauk has left it to Villager to make that decision.

Council Member Smith commented that this project must be done by the end of this summer.

Mrs. Corriveau responded that it would be done by fall.

Mayor Graham commented that Council doesn't want a situation of coming to October and it not being done. He also commented that working in the evening would not be that noisy.

Council Member Burns asked what assurances have been given to the City that the work would be done this season and she asked if Mrs. Corriveau was confident in the completion.

Mrs. Corriveau responded that she was confident that the contractor wants to get this job done based on talks with them. They have indicated that they want to be out of Public Square.

Council Member Burns remarked that if that is the case, they would want to extend their working hours.

Attorney Slye advised that Villager promised to have the project completed this year. While the contract has no penalties, it does require them to complete the project by the end of the year.

Council Member Burns asked if we knew how long this was going to take when the project was started.

Attorney Slye explained that the project changed greatly once it was started, so the answer was no one knew that it was going to take this long when it began.

Mrs. Corriveau advised Council that she invites them to ask questions and also invites people downtown to ask questions. She stated that we didn't anticipate the project being this long.

Attorney Slye remarked that we didn't know that there were telephone lines from 1902 in wooden conduit when we started.

Council Member Burns asked if Villager had done similar projects in other municipalities. She remarked that speed tables and bump outs and synthetic asphalt are different.

Mr. Lumbis explained that the synthetic asphalt is done by a subcontractor who is certified in it. He also explained that Villager had done a lot more complex projects than this one.

Mayor Graham asked that the maps of the design be hand delivered to the businesses.

Mrs. Corriveau explained that this will be taken care of. She also advised that Villager has people to help pedestrians cross through the construction sites. She commented that she hopes there is asphalt on Public Square in a month and people parking down there.

Council Member Smith remarked that he would like to see what can be negotiated for a shift working 3 pm to midnight.

Mayor Graham suggested doing something during the evening hours, as well.

Council Member Butler asked about the one way traffic off Mill which flows into three lanes and then goes into one lane at Court and Arsenal Streets. He asked why this was designed that way.

Council Member Smith explained that traffic studies showed that a lot of cars coming off of Mill want to go up State Street.

Council Member Butler asked for a written summary of the traffic studies.

#### **INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS by resolution adopted November 5, 2007, the City Council approved the Grant Agreement with the Housing Trust Fund Corporation for the City's 2007 Community Development Block Grant, and

WHEREAS the Grant requires setting up a loan for the owners of the Franklin Building and a Loan Program for commercial tenants of that building, and

WHEREAS the Watertown Local Development Corporation was set up by the City of Watertown to operate loan programs for economic development, and

WHEREAS a Subgrant Agreement has been drafted between the City of Watertown and the Watertown Local Development Corporation for administering said loans, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Small Cities Community Block Grant Program Subgrant Agreement with the Watertown Local Development Corporation, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Subgrant Agreement on behalf of the City Council.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Mayor Graham asked Attorney Slye if he could vote on the resolution or if it would be a conflict of interest due to the fact that he is on the board for the Watertown Local Development Corporation.

Attorney Slye stated that there is no conflict.

Mayor Graham asked that it be noted in the record that he does serve on the board.

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS the City of Watertown and the State of New York have been developing recreational facilities on the Black River at or near the Olympic Scenic Byway (NYS Route 3), and

WHEREAS the City Council desires to increase scenic access to the river and connect the recreational facilities together with a trail network,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown supports the project proposed in the 2008 Transportation Enhancement Program request for funding through the New York State Department of Transportation. The project consists of creating new multimodal trails connecting Waterworks Park, Marble Street Park and the Route 3 scenic overlook, as well as improving the scenic overlook with new fencing and landscaping. The project fully supports the goals and objectives under various plans for the creation of a City-wide multimodal trail system.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS John C. Thompson Park has 355 acres making it the largest park in the City of Watertown, and

WHEREAS said park was designed by Olmsted Brothers Landscape Architects, but a majority of the features were not constructed including miles of pedestrian walks, and

WHEREAS it is the City Council's desire to extend walks into lesser used areas of the park,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown supports the project proposed in the 2008-2009 Parks request for funding. The project consists of two new bicycle/pedestrian entrances on the southern and southwestern sides of John C. Thompson Park, as well as two new trails at those entrances that will connect with the existing park trails. This project fully supports the goals and objectives for current and planned uses of Thompson Park.

**SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBER BURNS VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH**

WHEREAS John C. Thompson Park has 355 acres making it the largest park in the City of Watertown, and

WHEREAS said park was designed by Olmsted Brothers Landscape Architects, but a majority of the features were not constructed including miles of pedestrian walks, and

WHEREAS it is the City Council's desire to extend walks into lesser used areas of the park,

NOW THEREFORE BE IT RESOLVED that Jeffrey E. Graham as Mayor of the City of Watertown is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 for the Federal Land and Water Conservation Fund Act of 1965 in an amount not to exceed \$350,000, and upon approval of said request to enter into an executed Project Agreement with the State for such financial assistance to the City of Watertown for the creation of new pedestrian park entrances and multi-use trails in John C. Thompson Park.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS**

Prior to the vote on the foregoing resolutions, Council Member Smith remarked that he wouldn't support them. He stated that the City has a lot of trails and things that we are currently working on. He also commented that there are many walkable areas in the park right now.

Mr. Mix reviewed the trails in the park and explained that the blue lines show existing mountain bike trails that were put in by users, not by the City. The proposed trails would be for all abilities.

Mayor Graham remarked that he shared Council Member Smith's concerns.

Council Member Butler remarked that this money could be better used.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING  
RESOLUTION AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL  
MEMBER BURNS VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Council of the City of Watertown, New York desires to revitalize the Black River waterfront within the City, and

WHEREAS the State of New York has announced that funds are available for implementing a Local Waterfront Revitalization Program through Title 11 of the Environmental Protection Act of 1993,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for funding with the New York State Department of State in accordance with the provisions of Title 11 of the Environmental Protection Act of 1993 to implement the City's Local Waterfront Revitalization Program in an amount not to exceed \$160,000, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to act on behalf of the City Council in all matters related to this financial assistance.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH  
ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Butler remarked that the trails are awfully expensive and to him it is a waste of money at this time. He asked about the parking at the new ball fields.

Mr. Mix explained that there is parking now. However, the usage will be monitored to see if it has to be expanded.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Council of the City of Watertown, New York has before it an ordinance for the zone change application of Lawrence Drake to change the approved zoning classification of portions of property located at 513-519 Water Street, Parcels No. 4-14-114.001, 4-14-114, 4-14-113 & 4-14-112, from Heavy Industry to Neighborhood Business, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed ordinance will constitute such an "Action", and

WHEREAS the City Council has determined that the proposed ordinance is an “Unlisted Action” as that term is defined in 6NYCRR Section 617.2(ak), and

WHEREAS there are no other involved agencies for SEQRA review as that term is defined in 6NYCRR Section 617.2(s), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part 1 of the Short Environmental Assessment Form has been prepared by Lawrence Drake, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and the adoption of the zone change will not have a significant effect on the environment.

2. The Mayor of the City of Watertown is authorized to execute Part 3 of the Environment Assessment Form to the effect the City Council is issuing a Negative Declaration under SEQRA.

3. This resolution shall take effect immediately.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEAS**

**THE RESOLUTION APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY RYAN CHURCHILL, GYMO, P.C. ON BEHALF OF NORSTAR DEVELOPMENT USA, L.P. TO ALLOW 200 MULTI-FAMILY RESIDENTIAL UNITS WITHIN A NEIGHBORHOOD BUSINESS ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MILL STREET, NORTH OF HAVEN STREET, WEST OF PLAZA DRIVE AND SOUTH OF SEAWAY PLAZA, PARCELS NO. 3-14-105 AND 3-14-101, KNOWN AS CREEKWOOD APARTMENTS WAS PRESENTED TO COUNCIL**

(Introduced on May 19, 2008; public hearing held this evening; appears in its entirety on page 122 of the 2008 Minutes Book)

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

## **ORDINANCES**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, by bond ordinances dated February 3, 2003, April 3, 2006, February 5, 2007, and September 4, 2007, the Council of the City of Watertown, Jefferson County, New York, has authorized the issuance of \$6,350,000 bonds of said City to pay the cost of the Downtown Watertown Streetscape Enhancement Project, in and for the City of Watertown, Jefferson County, New York, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities; and

WHEREAS, it is now desired to authorize the issuance of \$750,000 bonds of said City to finance additional costs of said specific object or purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the Downtown Watertown Streetscape Enhancement Project, including sidewalks, curbs, drainage, lighting, landscaping, reconstruction of a public plaza, roadway enhancements and miscellaneous public amenities, in and for the City of Watertown, Jefferson County, New York, including water mains and storm sewer drainage and incidental expenses in connection therewith, there are hereby authorized to be issued an additional \$750,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$7,100,000 and that the plan for the financing thereof is as follows:

- (a) by the issuance of the \$1,500,000 bonds of said City authorized to be issued pursuant to bond ordinance dated February 3, 2003;
- (b) by the issuance of the \$4,100,000 bonds of said City authorized to be issued pursuant to bond ordinance dated April 3, 2006;
- (c) by the issuance of the \$500,000 bonds of said City to be issued pursuant to bond ordinance dated February 5, 2007; and
- (d) by the issuance of the \$250,000 bonds of said City authorized to be issued pursuant to bond ordinance dated September 4, 2007; and
- (e) by the issuance of the additional \$750,000 bonds of said City authorized to be issued pursuant to this bond ordinance. Provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision ninety-one of paragraph a of Section 11.00 of the Local Finance Law, as each component thereof can be assigned a period of probable usefulness of at least fifteen years under one or more of subdivisions one, three, four, twenty or thirty-five of said paragraph a, calculated from May 27, 2004, the date of the first obligations issued for such purpose.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage



of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA**

**UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Prior to the vote on the foregoing ordinance, Council Member Clough asked about the fountain restoration being included in this bond ordinance.

Council Member Smith remarked that the statue was done under a grant and has already been paid for.

Mr. Mix explained that while the statue is done, it wasn't done as a separate project and was not paid for with a grant. This is just part of the entire project cost for the Public Square project.

Mrs. Corriveau and Mr. Mills explained to Council why the bond ordinance had to be written this way under law.

**THE ORDINANCE APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY LAWRENCE DRAKE, TO CHANGE THE APPROVED ZONING CLASSIFICATION FOR PORTIONS OF PROPERTY LOCATED AT 513-519 WATER STREET, PARCELS NO. 4-14-114.001, 4-14-114, 4-14-113 & 4-14-112, FROM HEAVY INDUSTRY TO NEIGHBORHOOD BUSINESS WAS PRESENTED TO COUNCIL** Introduced on May 19, 2008; public hearing held this evening; appears in its entirety on page 122 of the 2008 Minutes Book)

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE WITH ALL VOTING IN FAVOR THEREOF.**

**MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TAKE FROM THE TABLE THE ORDINANCE AMENDING CITY MUNICIPAL CODE 293-61, SCHEDULE XIII, PARKING PROHIBITED AT ALL TIMES, NORTH INDIANA AVENUE.**(Introduced on May 5, 2008; tabled; appears in its entirety on page 105 of the 2008 Minutes Book).

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Grant Money for Side Walks**

Council Member asked about the grant application for putting sidewalks near the apartment complex or by the pool.

Mr. Mix explained that staff looked at this and couldn't put the project together in time for an application.

**Thanks**

Council Member Smith thanked Mrs. Corriveau, Mr. Mills, Council Members, City staff and department heads for the work done on the budget.

## **Work Sessions**

Council concurred that there would be no work sessions during July and August unless there was something necessary to discuss.

## **Citibus**

Mayor Graham asked about the City applying to the State for an extra bus.

Mrs. Corriveau explained that we haven't made application yet. The application will need an endorsement from the Council that they want to add the bus and Council will need to put the money in the budget for next year.

Mayor Graham remarked that public transportation should be something that we should be proud of.

Council Member Butler asked about the advertising and if staff had contacted the car dealerships.

Mrs. Corriveau advised that staff had done outreach to existing customers. In addition, New York State will be leasing space for a month this summer. Then, the City will start promoting internal programs.

## **Dog Park**

Mayor Graham remarked that something has to be decided on this. He stated that he didn't see any downside of having an area for the dog park if the people do private fund raising for it.

Mrs. Corriveau explained that the report has been prepared but she has not had time, with budget items being due, to review it. She will have the report to Council at the next work session.

## **Jaycees Tour, Use of Transit Vehicle**

Council concurred with the request submitted by Bryan White for use of a Paratransit vehicle for an organized tour on June 10<sup>th</sup> detailing various capital and public works projects in the City.

## **Relay for Life Community Signage**

Council concurred with placing this signage at the entrances to the City as well as at the corner of Coffeen and Fair Streets. In addition, they concurred that this signage should stay up year-round.

## **Restore NY Grants & HOME Consortium Funding**

Mrs. Corriveau advised that the City had received approval for two of these grants. One is a 2006 application for the Franklin Building in the amount of \$1, 550,000. This is more than what the

application was for. Also, a 2007 grant was received for Riverview Plaza in the amount of \$1,647,000. She also advised that \$230,000 was awarded to the City from the HOME Consortium for owner occupied housing rehab programs.

### **Fairgrounds**

Mrs. Corriveau advised Council that lighting caused damage to the electrical system at the fairgrounds grandstand. The insurance company has been notified. Repairs are being done as quickly as possible so that the system is running for the events at the fairgrounds this weekend.

### **Route 3 Wave**

Mrs. Corriveau advised that there is another rock in the river near the Route 3 Wave. Mr. Hunt has been contacted to get an estimate for moving the rock. The City is waiting for DEC consent.

### **Mr. Moot's Payment**

Mrs. Corriveau advised Council that the City receive the entire payment from Mr. Moot last week. The amount was about \$41,000.

## **EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE PERSONNEL HISTORY OF A PARTICULAR CITY EMPLOYEE**

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING YEA**

Council moved into Executive Session at 8:34 p.m.

Council reconvened at 9:50 p.m.

## **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:50 P.M. BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Donna M. Dutton**

City Clerk